

CANADA / JUDGMENT

R. v. Reyes

2025 ONCA 840

COURT

Court of Appeal for Ontario

DECIDED

2 December 2025

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R. v. Reyes Collection Decisions of the Court of Appeal Date 2025-12-02 Neutral citation 2025 ONCA 840 Docket numbers COA-24-CR-0960, COA-24-CR-1198 Judges Miller, Bradley; Paciocco, David M.; Favreau, Lise G. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Reyes, 2025 ONCA 840 DATE: 20251202 DOCKET: COA-24-CR-0960 & COA-24-CR-1198 Miller, Paciocco and Favreau JJ.A. BETWEEN His Majesty the King Respondent and Althea Reyes Appellant Althea Reyes, acting in person Kevin Pitt, for the respondent Heard: November 5, 2025 On appeal from the convictions entered by Justice Marlyse Dumel of the Ontario Court of Justice, on April 24, 2024, and from the sentence imposed on April 24, 2024 (COA-24-CR-0960). On appeal from the conviction entered by Justice Jonathan Brunet of the Ontario Court of Justice, on October 1, 2024, and from the sentence imposed on July 10, 2025 (COA-24-CR-1198). REASONS FOR DECISION

- [1] The appellant, Ms. Reyes, argued two appeals. Both were dismissed with reasons to follow. These are the court's reasons. The motion for an adjournment
- [2] As a preliminary matter, Ms. Reyes sought an adjournment the morning of the hearing, primarily on the basis that she needed additional time to retain counsel and also because she sought to amend a notice of appeal to (1) argue violations of the Crown's disclosure obligations and (2) add an argument based on a violation of s. 7 of the Canadian Charter of Rights and Freedoms. The court refused to grant the adjournment. Given the history of proceedings, we were not satisfied that there is a reasonable prospect that the appellant would be able to retain counsel. Neither were we persuaded that the appellant had been prejudiced by the Crown's delivery of documents, or that it would be in the interests of justice to allow the appellant to introduce new grounds of appeal at this stage. Factual and procedural overview
- [3] The appellant pleaded guilty to 19 counts including multiple frauds, false pretence, and impersonation. The trial judge conducted a plea inquiry, entered a conviction, and sentenced the appellant to a conditional sentence.

- [4] The appellant breached the terms of the conditional sentence and was incarcerated. In her testimony at the conditional sentence hearing, the appellant committed perjury and was then indicted for obstruction of justice. The trial of the obstruction of justice charges resulted in a conviction and a custodial sentence of 18 months. Issues on appeal
- [5] The appellant seeks to set aside her guilty plea to the fraud charges on the basis that the plea was uninformed and made under duress. She also appeals the obstruction of justice conviction on multiple grounds, including that she was denied the election to be tried in the Superior Court, that the trial judge erred in refusing to reopen the trial to allow her to adduce further evidence, and that the trial judge erred in sentencing her without waiting for a Gladue report and without permitting the Ontario Native Women's Association to make submissions on her behalf.

Analysis

a. The Fraud Convictions

- [6] We rejected the argument that the appellant's guilty plea should be set aside. The trial judge's plea inquiry was careful and exhaustive. Although the appellant was anxious to be released from custody, there is nothing unusual in this, and she has not identified anything about her situation that would support a finding that she pleaded guilty under duress. There is no basis to set her plea aside.

b. The Obstruction Charge

- [7] Neither were we persuaded that there was any procedural unfairness or other errors in the appellant's conviction and sentencing for obstruction of justice. At the time the appellant made her election to be tried in the Ontario Court of Justice (the "OCJ"), she was represented by counsel. The transcript contradicts the appellant's claim that she was taken by surprise by the election to be tried in the OCJ.
- [8] With respect to the application to reopen the trial, the appellant raised this issue at her first post-conviction appearance. The trial judge concluded that the application was frivolous and gave sound reasons explaining why he came to that conclusion. He declined a further application, brought during her eighth post-conviction appearance, that he reconsider his refusal to reopen. He made no errors in so doing.
- [9] With respect to the grounds of appeal related to her sentence for obstruction of justice, the trial judge made every effort to accommodate the appellant's frequent applications and changes of position. The appellant sought a pre-sentence report and then rejected it on the basis that the report writer was neither Black nor Indigenous. Late in the sentencing process the appellant asserted her Métis ancestry and requested a Gladue report. The timetable set by the trial judge was not followed, including on matters that were preemptory on the appellant. An extraordinary number of adjournments were granted as the appellant repeatedly changed counsel and brought a barrage of further motions. Eventually, the trial

judge determined that no further adjournments could be granted. He made no error in doing so. The appellant was provided with more than adequate opportunity to advance her interests in court. Court resources are not unlimited, and the appellant was not entitled to unlimited process.

DISPOSITION

[10] The appeals are dismissed. “B.W. Miller J.A.” “David M. Paciocco J.A.” “L. Favreau J.A.”

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